

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1290
)	
UPDATE HEATING AND COOLING, INC.,)	JUDGE SAMUEL DER-YEGHIAYAN
an Illinois corporation,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

1. That he is Administrator and/or Authorized Agent of the SHEET METAL WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 EDUCATIONAL FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.

2. Among his responsibilities and duties, he is charged with keeping and maintaining records of contributions received by the Plaintiffs from participating employers, maintains individual records on each person, firm, and corporation required to make contributions to the Plaintiffs Funds, receives and records contributions reports made by such persons, firms or

corporations, has under his supervision and direction all books, records, documents and papers relating to such Plaintiffs Funds, and has been delegated the authority by all other Plaintiffs to coordinate and supervise the recovery of delinquent employer contributions on their behalf, receiving thereby access to all necessary information.

3. That he has examined the account of Defendant, UPDATE HEATING AND COOLING, INC., an Illinois corporation, in the above-entitled action, and states that said, Defendant:

- a. Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;
- b. Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

4. Because of the Defendant's failure to submit the required monthly contribution reports for December 2007 through the present, Affiant is unable to determine the amounts, if any, that may be due and owing to Plaintiffs.

5. That he is duly authorized by Plaintiffs in the making of this Affidavit, has personal knowledge of the matters set forth above, and if called as a witness is competent to testify thereto.

6. That he makes this Affidavit in support of the application of Plaintiffs for entry of default and for an order requiring Defendant to turn over its required monthly fringe benefit contribution reports for December 2007 through the present, and all contributions and liquidated damages due thereon, and requests that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

07-08-08 10:58am From-Baum Sigman

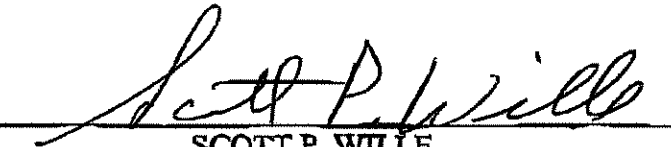
3122360241

T-029

P.004/004

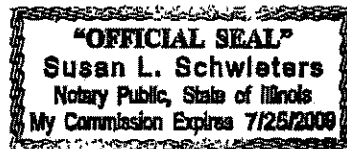
F-286

FURTHER AFFIANT SAYETH NOT.


SCOTT P. WILLE

SUBSCRIBED AND SWORN to
before me this 11th
day of July 2008.


NOTARY PUBLIC



I:\2657\Update Hearing\#20812\wille affidavit.jdg.dfl.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 17th day of July 2008:

Mr. Oonie F. Allen, Registered Agent/Secretary
Update Heating and Cooling, Inc.
16742 89th Avenue
Orland Hills, IL 60487

Jesse White
Secretary of State
Department of Business Services
File No. 6206-4447
Springfield, IL 62756

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6237001
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: jdunitz.geiringer@baumsigman.com

I:\265J\Update Heating\#20812\wille affidavit.jdg.df.wpd